

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 09/932,330	Confirmation No.: 4801
Application of: Jon M. Huppenthal, Thomas R. Seeman, Lee A. Burton	Art Unit: 2182
Filed: August 17, 2001	Examiner: Sorrell, Eron J.
Attorney Docket No. SRC012	Customer No.: <b>25235</b>
For: SWITCH/NETWORK ADAPTER PORT FOR CLUSTERED COMPUTERS EMPLOYING A CHAIN OF MULTI-ADAPTIVE PROCESSORS IN A DUAL IN-LINE MEMORY MODULE FORMAT	

RESPONSE TO THE NON-COMPLIANT APPEAL BRIEF FOR SRC012

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The Appellant submits an amended Appeal Brief in response to the January 10, 2006 USPTO Communication of a Non-Compliant Appeal Brief for application 09/932,330. The Appellant thanks the Examiner for his consideration and submits that the deficiencies of the Brief, originally filed on October 12, 2006, are herein corrected by this submittal.

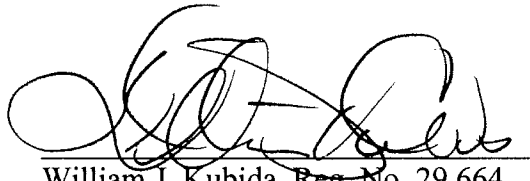
The Appeal Brief was rejected as being non-compliant under paragraph 4 for failing to provide a concise explanation of the subject matter defined in each independent claim involved in the appeal. Specifically the reference to the specification by page and line numbers did not appear to correlate with the claimed limitations of the claims under appeal. After a review of the Brief as filed, the Appellant concurs. The page and line numbers used to cite portions of the specification were based on a copy of the specification formatted differently from that originally filed and of record in the present case. Accordingly, the Brief has been amended using the image of the specification as filed and presented on Private Pair to correctly reference claim limitations

to sections of the specification. The Appellant apologizes for any inconvenience resulting from this oversight.

The Appeal Brief was also rejected under paragraph 8 for not providing in the appeal a statement setting forth where in the record evidence submitted under section 1.132 was entered by the Examiner. Accordingly, a statement has been added in an Appendix of the Appeal Brief setting forth where in the record the evidence was entered into the record by the Examiner. The Appellant traverses the statement under paragraph 10 of the communication that no statement is possible because the evidence has not been submitted for the Examiner's consideration prior to the appeal. The image wrapper clearly indicates that the Affidavit was submitted on October 11, 2006, one day prior to the October 12, 2006 filing of the Appeal Brief. As is indicated by the MPEP in section 710.01 (A)(3), an affidavit submitted after final but prior to the date of filing the appeal, is timely upon the showing of good and sufficient reasons why the Affidavit is necessary and was not presented earlier. The Appeal Brief (as amended) is now believed to be in accordance with 37 C.F.R. 41.37 and Applicant requests approval of the Brief's compliancy. Furthermore, communication with the Examiner confirms that the evidence submitted under section 1.132 on October 11, 2006 has been entered into the record.

Date:

09 February 2007



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